

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

New York City District Council of Carpenters,

Plaintiffs

— against —

Dash Floor Covering, Inc.

Defendant.

17-CV-798 (ARR) (JO)

Opinion and Order

**Not for electronic or print
publication**

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated March 1, 2018, from the Honorable James Orenstein, United States Magistrate Judge. Objections were due by March 15, 2018, but no objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, with one small exception, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Because Judge Orenstein calculated the amount of prejudgment interest due as of March 30, 2018, I will alter this calculation to instead reflect the day that I am approving his report and recommendation—March 16, 2018. As 545 days have passed since the arbitration award on September 17, 2016, I will therefore award the plaintiffs pre-judgment interest of \$432.58 rather than \$442.44. ($545/365.25=1.492$. $\$3221.50 \times .09 \times 1.492=\432.58 .)

Accordingly, I grant the plaintiff's motion for a default judgment, and award them damages in the amount of \$7503.08 (consisting of the arbitration award of \$4221.50, \$432.58 in prejudgment interest, \$2275 in attorneys' fees, and \$574 in costs). I also award the plaintiff post-judgment interest at the rate set out in 28 U.S.C. § 1961. The Clerk of Court is directed to close this case.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: March 16, 2018
Brooklyn, New York